

February 4, 2005

ORGANIZATION: Nuclear Energy Institute (NEI)

SUBJECT: SUMMARY OF DECEMBER 8, 2004, MEETING WITH NEI TO DISCUSS  
MAJOR REGULATORY MILESTONES ASSOCIATED WITH NEW  
REACTOR LICENSING

On December 8, 2004, a public meeting was held between the U.S. Nuclear Regulatory Commission (NRC) and NEI at NRC headquarters in Rockville, MD. NEI requested this meeting to discuss major regulatory milestones for new reactor licensing. Meeting attendees are listed in Attachment 1 and the meeting agenda is given in Attachment 2.

The NEI handout for the meeting can be accessed through the Agencywide Documents Access and Management System (ADAMS) under Accession No. ML043440047 (Attachment 3). This system provides text and image files of NRC's public documents. If you do not have access to ADAMS or if you have problems in accessing the handouts located in ADAMS, call the NRC Public Document Room (PDR) reference staff at 1-800-397-4209 or 301-415-4737 or e-mail [pdr@nrc.gov](mailto:pdr@nrc.gov).

#### Combined License Issues

NEI stated that it requested this meeting as a follow-on to the September 30, 2004, NRC public meeting concerning NRC licensing priorities in the coming year. NEI also wanted to give the staff additional information on the industry's plans for new reactor licensing activities in fiscal year (FY) 2006.

NEI said that up to three combined license (COL) applications could be submitted to the NRC in the late 2007 to 2008 timeframe. An antitrust submittal would be made 9 months prior to the COL application as required by the regulations. NEI estimates that it will take the NRC 18 months to review a COL application. NEI also estimates that it will take 2 years to prepare a COL application and anticipates pre-application activities in late 2006.

NRC questioned whether NEI's COL application review time estimate was consistent with the time specified for the review of a COL application in SECY-01-0188, "Future Licensing and Inspection Readiness Assessment" (as noted after the meeting, SECY-02-0188 states that it will take 27 months to review a COL application). In addition, the staff noted that the public comment periods in the environmental review may conflict with NEI's proposed review schedule.

NEI stated that NEI 04-01, "Draft Industry Guideline for Combined License Applicants Under 10 CFR Part 52," would be submitted to the NRC for review by the staff within the next 2 weeks. NEI also stated that it would like to resolve all COL issues in 2005. NEI proposed to have monthly status meetings on NEI 04-01 and additional meetings on specific subjects in 2005. NEI wants to submit a revised version of NEI 04-01 to the NRC for endorsement in August 2005. NEI said it recognizes that NEI 04-01 is dependent on the final version of the Part 52 rulemaking. NEI said that once the final rule is out, NEI-04-01 can be revised to reflect the final rule if necessary.

The NRC staff said that the staff is planning to work on the resolution of the operational program issues, and review the NEI COL application guidance and the construction inspection program. The staff asked how NEI is going to obtain all the information needed by the staff to complete this work in 2005. NEI said utility executives would have to "step up to the plate" to provide resources if NEI does not have the resources available to support the activities of the NRC staff.

#### Part 52 Rulemaking

NEI said it was concerned that not knowing the content of the final rule would introduce uncertainty in the development of the COL application guidance and in the preparation of a COL application. NEI asked if the NRC was willing to endorse NEI 04-01 before the final rule is issued. NEI said that the applicants would be hesitant to move forward on COL pre-application activities until there was certainty.

The NRC said the current plans were to issue the proposed rule in the second quarter of 2005 and that the public comments would be due sometime in the third quarter of 2005. At this time the public would have a good idea of NRC's progress on the rule. The staff has also concluded that expediting the part of the rulemaking that has been completed would not save time. In addition, the staff thought the rulemaking should be done correctly and only once. One alternative would be to put draft rule text on the Web. However, the staff's experience suggests that this would slow down the process. Therefore, the public will have considerable knowledge of the proposed rule and the comments on the proposed rule well before 2006.

NEI discussed the future rulemaking on the technology neutral framework to support the pebble bed modular reactor and smaller reactor designs.

#### Early Site Permits

NEI said that four other companies were working on ESP applications. NEI did not know if they would come in as ESP applications or as part of a COL application. NEI stated that one or more ESP applications may be submitted in mid to late 2006. The NRC stated that a review of additional ESP applications was not in the current budget because the staff did not have the information to budget this activity.

#### Public Questions

A question was asked about the status of NEI 02-02 and if this document would be updated. NEI said there were no plans to update this document.

A question was asked concerning the identity of the four companies that were looking into early site permits and if these companies will rely on assistance from the Department of Energy (DOE). NEI declined to identify the companies and said that it did not believe that they would receive assistance from DOE for their activities.

**/RA/**

Joseph Colaccino, Senior Project Manager  
New Reactors Section  
New, Research and Test Reactors Program  
Division of Regulatory Improvement Programs  
Office of Nuclear Reactor Regulation

Project No. 689

Attachments: 1. List of attendees  
2. Agenda  
3. New Plant Development - Major Regulatory  
Milestones to Construction (NEI handout)

cc w/ atts: See next page

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ADAMS ACCESSION NUMBER:ML050110448

|        |            |         |
|--------|------------|---------|
| OFFICE | PM:RNRP    | SC:RNRP |
| NAME   | JColaccino | LDudes  |
| DATE   | 02/2/05    | 02/3/05 |

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Distribution for December 8, 2004, Meeting Summary dated February 4, 2005

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TFoley  
DThatcher  
SAlexander  
TMensah (NRR Communication Coord)  
ACRS (RidsAcresMailCenter)  
OPA  
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**NRC Meeting with Nuclear Energy Institute-Major Regulatory Milestones  
Associated with New Reactor Licensing**

**Wednesday, December 8, 2004  
1:00 p.m. to 2:30 p.m.  
NRC Headquarters Conference Room O-6B4**

| <b>Name</b>       | <b>Organization</b>      |
|-------------------|--------------------------|
| Joseph Colaccino  | NRR/DRIP/RNRP            |
| Mary Ann Ashley   | NRR/DIPM/IIPB            |
| Jerry Wilson      | NRR/RNRP                 |
| Joe Williams      | NRR/DRIP/RNRP            |
| Lane Hay          | SERCH Licensing, Bechtel |
| Sandra Sloan      | Framatome ANP            |
| Thomas Kenyon     | NRR/DRIP/RLEP            |
| Bruce Musico      | NSIR/DPR/EPD             |
| Gordon Cleifton   | Sciencetech, LLC         |
| Brendan Hoffman   | Public Citizen           |
| Brian McKercher   | AECL Technologies        |
| Marvin Smith      | Dominion                 |
| Paige Negus       | GE                       |
| Carl Berger       | Energetics               |
| Cedric Jube       | NEI                      |
| N. P. Kadambi     | NRC/RES                  |
| Charles Brinkman  | Westinghouse             |
| James Danna       | NRC/RES                  |
| Michael Scott     | NRC/NRR/DRIP/RNRP        |
| Shinichi Hayafune | Energy, USA              |
| Edmund Sullivan   | NRR/DE/EMCB              |
| Farouk Eltawila   | NRC/RES                  |
| Russ Bell         | NEI                      |
| Adrian Heymer     | NEI                      |
| William Beckner   | NRR/DRIP/RNRP            |
|                   |                          |

## Agenda

December 8, 2004, Meeting with the Nuclear Energy Institute (NEI) to Discuss Major  
Regulatory Milestones Associated with New Reactor Licensing

|            |  |         |
|------------|--|---------|
| 1:00 p.m.  | Introductory Comments                              | NRC/NEI |
| 1:05 p.m.  | Overall Regulatory Milestones                      | NEI     |
| 1:30 p.m.. | Specific Licensing/Regulatory Milestones           | NEI     |
|            | - Early Site Permit Applications                   |         |
|            | - Part 52 Rulemaking                               |         |
|            | - Combined License Guidance Review and Endorsement | NEI     |
| 2:15 p.m.  | Public comment                                     |         |
| 2:25 p.m.  | Summary  | NRC/NEI |
| 2:30 p.m.  | Adjourn  |         |

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